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*Final Report:*

**Sick Leave Program**

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## REPORT HIGHLIGHTS

- \* *Over 3,800 state employees will call in sick today at a salary cost of over \$271,000.*
- \* *State employees averaged 12.04 sick days during Fiscal Year 1982 at a cost of over \$62 million.*
- \* *Massachusetts is over the acceptable absenteeism level by 4 to 6 days at a cost of between \$20 and \$30 million annually.*
- \* *Overtime costs of up to \$7.9 million are incurred as a direct result of employees' sick leave.*
- \* *To control the abuse of sick leave, the Commonwealth needs an effective monitoring system.*

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## SUMMARY AND CONCLUSION

*Over 3,800 state employees will call in sick today at a salary cost of over \$271,000. Annually, the cost in lost productivity due to sick leave is over \$62 million.*

Major problems caused by unscheduled absences include:

- Disruption of operations
- Increased agency staffing levels
- Lower employee morale
- Reduced productivity
- Poor quality of work
- Increased expenses attributable to overtime

HPAO's analysis of 8,920 employee attendance calendars within eleven state agencies resulted in an annual average sick leave usage of 12.04 days. Current personnel standards consider an absenteeism rate of between 6 and 8 days to be a manageable level. Massachusetts (12.04) exceeds the acceptable level by 4 to 6 days. This represents a cost of between \$20 million and \$30 million annually.

The survey results clearly indicate that the Commonwealth has failed to effectively manage its sick leave program. Excessive sick leave usage is a management problem. Management has an inherent right to expect all employees to maintain their assigned work schedules. However, management has given this a low priority. Lack of a profit motive and inadequate recordkeeping can partially explain this attitude. Attendance records were found to be incomplete, inaccurate and not kept on a timely basis. Moreover, there is a need for more specific regulations and greater management support from the top down in enforcing sick leave policy.





The problem of absenteeism is not unique to the Commonwealth of Massachusetts. It is a universal problem of growing concern in both the private and public sectors. Administrators in the private sector were unanimous in their opinion that absenteeism from work is the greatest single cause for the reduction of productivity and the poor quality of work. Private sector employers place greater emphasis on controlling sick leave usage than in the public sector. This control is achieved by constantly monitoring absences to detect abuse and by holding supervisory personnel accountable for absenteeism of employees under their control.

The current state program of granting 15 days sick leave per year to employees at the rate of  $1\frac{1}{4}$  days per month is intended to protect the employees' income when they are unable to report for work due to illness or injury. The unlimited accumulation provision protects the career employee in the event of a serious medical problem since the state does not provide salary continuation insurance as is generally provided in the private sector. If this provision is eliminated there would be no plan for salary continuation beyond the 15 days earned each year.

Since the basic intent of the above provisions is for the protection of the state employee, HPAO believes that the focus of corrective action should be placed on those employees who abuse this program.

Therefore, HPAO recommends a combination of the following:

- increased and tighter regulations for the sick leave program;
- the establishment of training programs for management employees to better equip direct line supervisors to recognize and report potential abuse;
- the establishment of an employee awareness program to inform all employees of the new regulations and procedures; and
- the implementation of an intensive monitoring system of sick leave usage which will assist in tracking and curbing sick leave abuse.





## **RECOMMENDATIONS**

The following recommendations are offered as a means of reducing sick leave usage and increasing productivity.

### **1. Regulations**

- The existing regulations indicate that the appointing authority may require a physician's certificate indicating the necessity of an absence. This should be a mandatory requirement after a designated number of absences.
- Develop a standard medical form to be completed by a physician. (See Appendix D)
- Establish a regulation to prohibit employees from being away from home (out-of-state) while collecting sick pay except where there is a medical necessity and prior approval is granted by the appointing authority.
- Establish standards for identifying employees with potential attendance problems and provide a uniform series of mandatory disciplinary actions for cases of sick leave abuse.

### **2. Training**

- The Department of Personnel should conduct training seminars to educate management at all levels on procedures for detecting and dealing with absenteeism.
- Supervisory personnel at all levels should advise employees under their control of current attendance regulations and changes as they occur. Also all employees should be advised of what will be expected of them concerning accountability for maintaining assigned work schedules.



### 3. Monitoring

- The Executive Office for Administration and Finance should establish sick leave usage goals and require that sick leave be monitored at each level of management.
- The Executive Office for Administration and Finance should develop a computerized system to provide management with statewide statistics on sick leave.





*The General Court of Massachusetts  
House Committee on Post Audit and Oversight*

*Room 146, State House  
Boston, Massachusetts 02133  
Telephone (617) 722-2560*

*Rep. Kevin W. Fitzgerald  
Chairman*

*17th Suffolk District  
Jamaica Plain / Mission Hill*

To: Representative Thomas W. McGee, Speaker of the House, and Honorable Members of the General Court

As Chairman of this Committee, I am pleased to present this report entitled,  
Final Report: Sick Leave Program.

This report presents the results of a survey of eleven state agencies and approximately 9,000 individual employee attendance records, which were reviewed by HPAO to determine the extent of sick leave usage and whether the program is being effectively managed.

Based upon this survey, the Committee concludes that the current use of sick leave by state employees is at an unacceptably high level and that management has not fulfilled its responsibility in monitoring this program.

The survey also pointed out that the problem of absenteeism is not unique to employees of the Commonwealth. It is a national problem of growing concern in both the public and private sectors. However, management in the private sector has placed greater emphasis on controlling absenteeism than currently exists in the state program.

The Committee believes that if the recommendations included in this report are implemented, the rate of sick leave usage can be significantly reduced with a corresponding increase in productivity.

Respectfully submitted,

A handwritten signature in cursive script, reading "Kevin W. Fitzgerald".

Kevin W. Fitzgerald  
Chairman







THE GENERAL COURT OF MASSACHUSETTS

Post Audit and Oversight Bureau

ROOM 146, STATE HOUSE

BOSTON, MA 02133

RICHARD F. TOBIN, JR.

DIRECTOR

**FOREWORD**

This report is the first in a three part series of productivity reports to be issued by the House Post Audit and Oversight Committee. It will be followed by an assessment of the state's educational leave program and an appraisal of the employment practices of the Commonwealth.

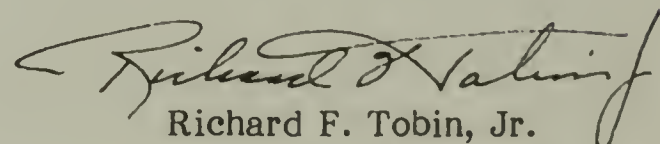
At the request of Representative William G. Robinson, HPAO conducted a preliminary review of the state sick leave program and issued a report in June, 1982.

Due to the magnitude of the program, a more detailed study was warranted. This report presents the results of that review.

Individual attendance calendars of approximately 9000 state employees were reviewed at eleven state agencies for Fiscal Year 1982. This substantial sample was made possible through the utilization of summer interns assigned to the Committee by the Speaker of the House.

An accurate level of sick leave usage was determined and potential areas of abuse were identified. Weaknesses in the administration of the program are also presented together with specific recommendations to improve the program.

We appreciate the assistance provided by the agencies surveyed during the review and look forward to their continued effort to strengthen the state's sick leave program.

  
Richard F. Tobin, Jr.  
Director



## **I. INTRODUCTION**

### **A. Purpose**

Our Preliminary Report, issued in June, 1982, stated that in the absence of a management information system, the Commonwealth did not have average sick leave usage statistics from which HPAO could determine the level of absenteeism and identify potential areas of abuse. Based upon average figures from other states, annual sick leave use was estimated to be 10.4 days for each employee. The potential loss in productivity was projected to be \$54 million annually in Massachusetts.

Results described later in this report indicate that this was an extremely conservative figure.

Weaknesses in the administration of the program are demonstrated below:

1. the failure of management to monitor employee use of sick leave;
2. the inconsistent enforcement of sick leave regulations; and
3. inadequate recordkeeping.

### **B. Methodology**

Because of the potential loss of millions of dollars in productivity, HPAO conducted an analysis of the daily attendance calendars of 8,920 employees at eleven state agencies for the period July 1, 1981 through June 30, 1982. This analysis provided an accurate measure of sick leave usage and uncovered potential areas of abuse in the sick leave program. Sick leave policies were also examined in the private sector in order to draw comparisons of several programs. The results of this survey are presented in this report with recommendations for improving the program and strengthening administrative control.



## II. STATE EMPLOYEE SICK LEAVE PROGRAM

The Department of Personnel Administration within the Executive Office for Administration and Finance develops rules and regulations under Ch. 7, Sec. 28, MGLA which govern sick leave for persons employed in the Executive Branch of state government.<sup>1</sup>

Under these rules and regulations, state employees are credited with sick leave at the rate of  $1\frac{1}{4}$  working days for each full month of employment not to exceed 15 working days per year. Sick leave is allowed to accumulate from year to year without limit.

Employees are entitled to buy back 20% of their accrued credits at the time of retirement. The value of such credits is computed on the basis of the daily rate of salary compensation at the time of retirement.<sup>2</sup>

The Department's regulation (LS-6) states that sick leave is granted to an employee at the discretion of the appointing authority if one of the following conditions exist:

- a) *When they are incapacitated for the performance of their duties by sickness or injury.*
- b) *When through exposure to contagious disease the presence of the person at his post of duty would jeopardize the health of others.*
- c) *In case of serious illness of husband, wife, child, parent of either spouse of person subject to these rules or of a person living in the immediate household*

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<sup>1</sup> Appendix A — Sick Leave Rules and Regulations

<sup>2</sup> Sec. 56, Chapter 699, Acts of 1981





*of a person subject to these rules, he may be granted sick leave with pay not to exceed seven working days within a fiscal year.*

The regulations also provide the appointing authority with certain rights which can be exercised to control the abuse of sick leave by state employees.

These include the following:

1. The right of not allowing sick leave if notification of absence is not made as early as possible on the first day of absence. (LS-7)
2. The right to require a physician's certificate for the necessity of such absence. (LS-7)
3. The right to require a physical examination to determine an employee's fitness for duty following sick leave taken in excess of five consecutive days. (LS-8)

The Department of Personnel Administration also provides a standard attendance calendar form to all state agencies at the start of each fiscal year as a means of recording and monitoring the use of sick leave.<sup>3</sup> Further, a regulatory directive provides that all sick leave with pay be reported to the Director of Personnel at such time as may be required.

These regulations and rights of the appointing authority apply to all 74,000 employees and have been included in each of the twelve collective bargaining agreements which represent approximately 50,000 employees.

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<sup>3</sup> Appendix B



### III. RESULTS OF SURVEY

#### A. Summary

The Commonwealth spends approximately \$5.2 million in total personnel costs for each day of sick leave usage based upon a total of 74,000 employees. HPAO's survey of 8,920 employee attendance calendars within eleven state agencies for the period July 1, 1981 through June 30, 1982 reveals an annual sick leave usage of 12.04 days. This level of usage results in approximately \$62 million annually in lost productivity. The survey is summarized in Table 1.

**TABLE 1**

#### Summary of Sick Leave Analysis

<u>Agency</u>	<u>No. of Employees Surveyed</u>	<u>Total Sick Days Used</u>	<u>Average Usage</u>
Dept. of Social Services	1,286	12,759	9.9
Mass. Maritime Academy	115	1,147	10.0
Dept. of Correction	436	4,569	10.5
Dept. of Youth Services	414	4,419	10.7
Dept. of Environ. Management	719	8,123	11.3
Dept. of Public Welfare	3,323	41,354	12.4
Dept. of Public Health	801	10,088	12.6
Group Insurance Commission	56	721	12.9
Dept. of Mental Health	371	4,957	13.4
M.D.C.	1,306	17,833	13.6
Division of Registration	<u>93</u>	<u>1,425</u>	<u>15.3</u>
Total	<u>8,920</u>	<u>107,395</u>	<u>12.04</u>



The average annual sick leave usage of 12.04 days ranges from a low of 9.9 days in the Department of Social Services to a high of 15.3 days in the Division of Registration. Current personnel standards consider an absenteeism rate of between 6 and 8 days to be manageable. Based on this standard, average sick leave usage by state employees is excessive and must be reduced to a manageable level.

## **B. Findings**

### **1. Failure of Management to Monitor Sick Leave**

To adequately enforce sick leave regulations, management needs an effective monitoring system. Our survey concludes that even in agencies where complete and timely records are maintained there is no effective monitoring by management. It is essential that these records be utilized as a management tool in an effort to curb abuses, thereby reducing sick leave.

Reviewing attendance calendars at the several agencies surveyed disclosed cases where some employees have developed various patterns of taking sick leave. These patterns include:

- Sick leave on Mondays or Fridays
- Sick leave preceding or following holidays
- Sick leave to supplement a vacation period
- Sick leave for extended periods during winter months

In most cases, it was found that these absences, although recorded, went unquestioned by management. HPAO found that management has taken an indifferent attitude towards monitoring attendance records. An effective monitoring system is an essential element if sick leave usage is to be reduced to a manageable level.





## 2. Inconsistent Enforcement of Sick Leave Regulations

Regulations governing sick leave clearly state that sick leave is granted to an employee at the discretion of the appointing authority when specific conditions exist as detailed earlier in this report. The regulations further provide the appointing authority with certain rights which can be exercised to control the abuse of sick leave. Included is the right to require a physician's certificate indicating the necessity for an absence.

Excessive use of sick leave is a management problem. Management has an inherent right to expect all employees to maintain their assigned work schedules. Basic regulations currently exist that allow management the tools to control abuses. However, management is uncertain whether to take appropriate action when the appearance of sick leave abuse is present.

In some cases existing regulations were not enforced by management. In other cases management would exercise its discretionary powers such as requiring a physician's letter to substantiate sick leave. However, this would not be questioned further if there was still an appearance of sick leave abuse.

In general, the enforcement of sick leave regulations appears to be a very low priority item. Many reasons can be offered for this attitude including the lack of a profit motive and inadequate recordkeeping. Moreover, there is a need for more specific regulations especially in the area of disciplinary actions and the need for greater management support from the top down concerning uniform enforcement of sick leave regulations at all levels.



### 3. Inadequate Record Keeping

Attendance calendars are not maintained on a uniform basis by all agencies and are not effectively utilized by management to control excessive absences.

The rules and regulations governing attendance records require that all appointing authorities maintain attendance records in such form as directed by the Department of Personnel. Each year, the Department issues a memorandum to all agencies indicating that the standard attendance calendar (Form 503A) be used to record employee attendance. However, there is a varying degree of compliance with this regulation among the agencies surveyed. At some of the agencies, calendars were found to be incomplete, inaccurate and not kept on a timely basis. Further, attendance records in most cases are not reviewed by management for either accuracy or as a tool to detect patterns of abuse. In agencies with several area offices, it was found that attendance records are usually kept at the local office and are not sent to the central office for review.

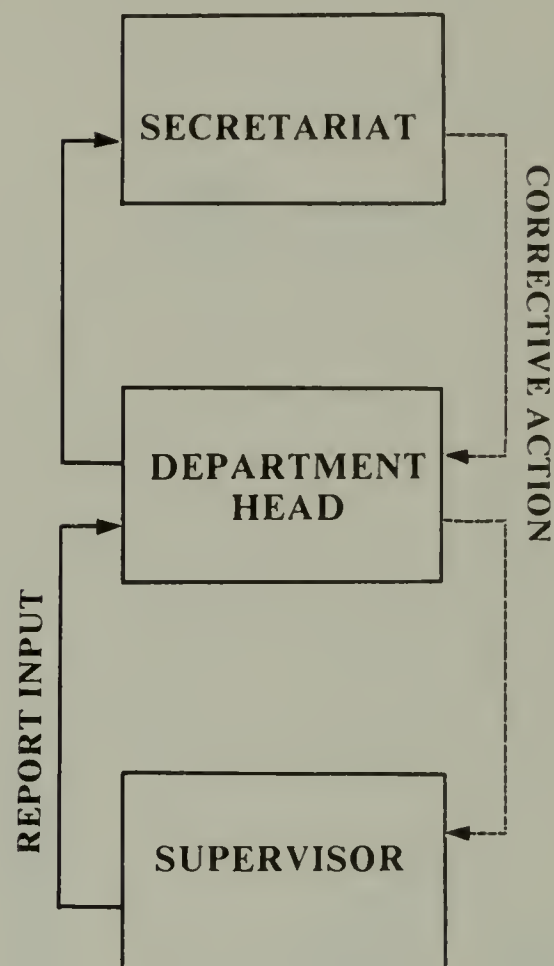
Since the Department of Personnel no longer requires that all state agencies send in their attendance calendars at the end of each fiscal year, there is no central control or evaluation of sick leave usage. The lack of a centralized computer system eliminates the possibility of gaining valuable data on a timely basis that would detect areas of abuse. For example, a computerized system could be programmed to generate reports that show sick days used by employees on Mondays and Fridays, before and after holidays and extended leaves during the winter months. A systematic review and analysis of this data would easily identify patterns of abuse. Supervisory employees could be required to sign the reports and forward them to department heads who in turn would summarize the reports and transmit them to the appropriate



Secretariat. This process, as shown in Chart A, would ultimately provide Secretariats with a comparison of sick leave usage for all departments within their Executive Office and serve as a basis for corrective action.

In addition, the compilation of statewide sick leave statistics would provide information to the Office of Employee Relations that would be of value in the process of collective bargaining. Currently, bargaining parties are able to offer only estimates or an educated guess as to the amount of sick leave used.

**CHART A**  
**PROPOSED ATTENDANCE**  
**INFORMATION FLOW**



#### **4. Overtime Costs**

In addition to losses in productivity caused by absenteeism, increased overtime costs of up to \$7.9 million are also incurred as a direct result of employees sick leave. This occurs within direct service categories of personnel such as nurses, police, and prison guards who must be replaced by other off duty employees at a higher overtime rate of pay.





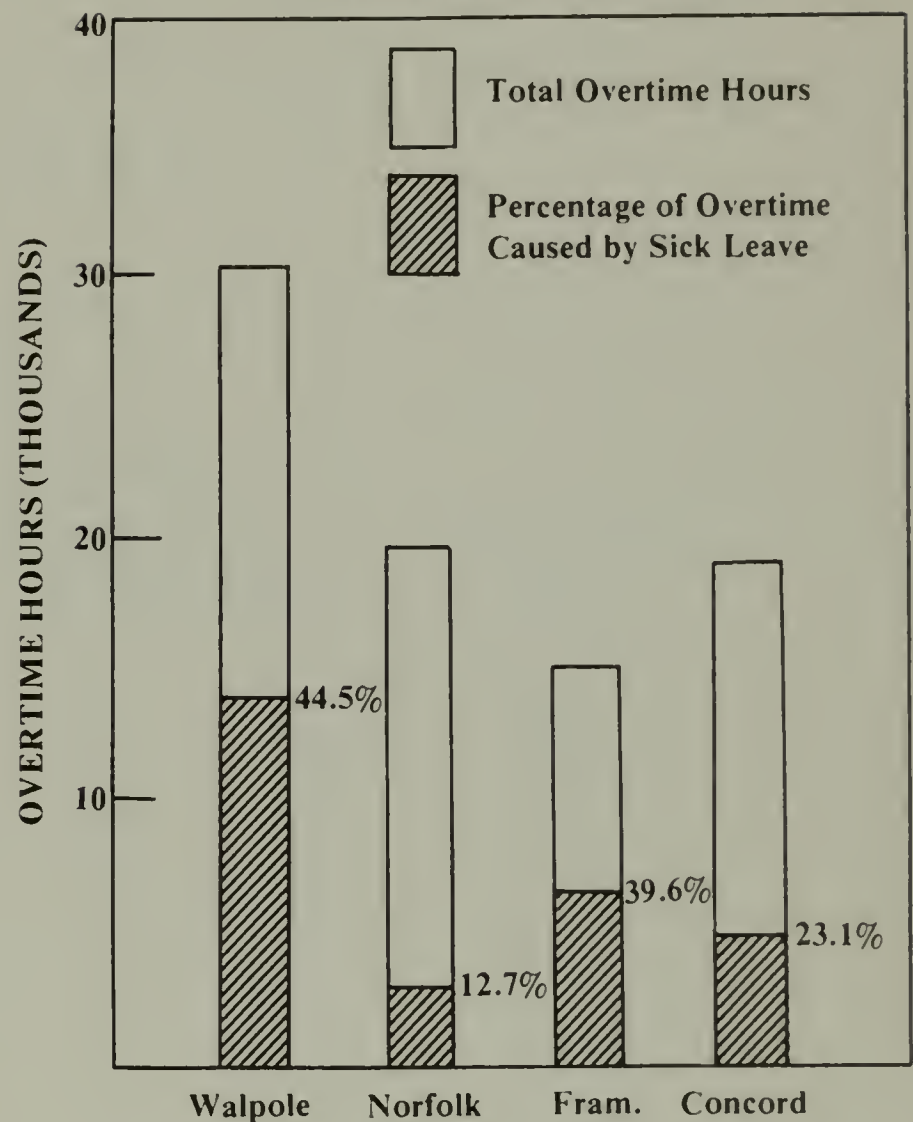
The Department of Correction maintains records that indicate the specific causes for overtime expenses. A review of these records at four correctional institutions disclosed that during Fiscal Year 1982, over 86,000 hours of overtime were worked at these facilities. Of that total, over 27,000 hours or approximately 31% was directly attributable to absences due to sickness. If this percentage is applied to the total state overtime expenditure of \$25.5 million for the same period, potential additional costs of \$7.9 million are incurred as a direct result of sick leave absences. This substantial outlay is further evidence of the necessity for immediate increased management control over absenteeism.

## 5. Agency Case Study

This case illustrates the need for tighter regulations and stricter enforcement of existing regulations. This agency maintains complete and accurate attendance calendars, yet does not use them as an effective management tool to curb sick leave abuse.

**CHART B**

**DEPARTMENT OF CORRECTION  
OVERVIEW OF OVERTIME  
CAUSED BY SICK LEAVE**





a. Overview

An employee's attendance calendars indicate that, from July 1, 1975 through March 31, 1982, the individual has used a total of 294 sick days, of which 268, or 91%, were used during the months of January, February and March in each of those years. The attendance calendars as summarized in Table 2 clearly demonstrate the established pattern of the employee's use of sick leave.

TABLE 2

Summary of Sick Leave Usage

<u>Fiscal Year</u>	<u>Total Sick Days Used</u>	<u>Total Sick Days Used - Jan./Feb./Mar.</u>	<u>Percent of Total</u>
1976	43	39	90.7%
1977	53	48	90.6%
1978	54	54	100.0%
1979	47	45	95.7%
1980	19	15	78.9%
1981	30	29	96.7%
1982	<u>48</u>	<u>38</u>	<u>79.2%</u>
Total	<u>294</u>	<u>268</u>	<u>91 %</u>

The employee stated that he had a chronic medical problem that is aggravated by cold weather and that he spent his sick leave time in Florida. He also indicated that his sick leave was approved by his supervisor since he had sufficient accumulated sick leave. A physician's letter was never requested either by the supervisor or upper level management.



## **b. Findings**

- Over the past seven years, 91% of the employee's sick leave was taken during three winter months.
- The employee's supervisor had never requested a physician's letter to justify the extended sick leave taken each year.
- Although accurate and current attendance records are maintained at this agency, management officials do not review them and therefore have never questioned the reasons for this employee's continuous absences.

## **c. Conclusion**

The issue here is not whether this particular employee should have been allowed sick leave, but, rather, that any employee who requests sick leave for long, continuous periods, should be questioned by management and be required to submit a physician's letter to verify the need for extended sick leave. The same management review should also occur whenever an employee exhibits a regular pattern of sick leave absences. Because this agency has no regular management review of its attendance records, no action was taken concerning the above employee.

This agency has three clerks that record employee attendance on a full time basis at a combined annual salary in excess of \$40,000. The records are current and accurate. Yet, that money might be better spent elsewhere if the records are not utilized by management to control sick leave abuse. As long as management is indifferent toward detecting sick leave abuse and taking action to control it, the potential for abuse will continue to exist.



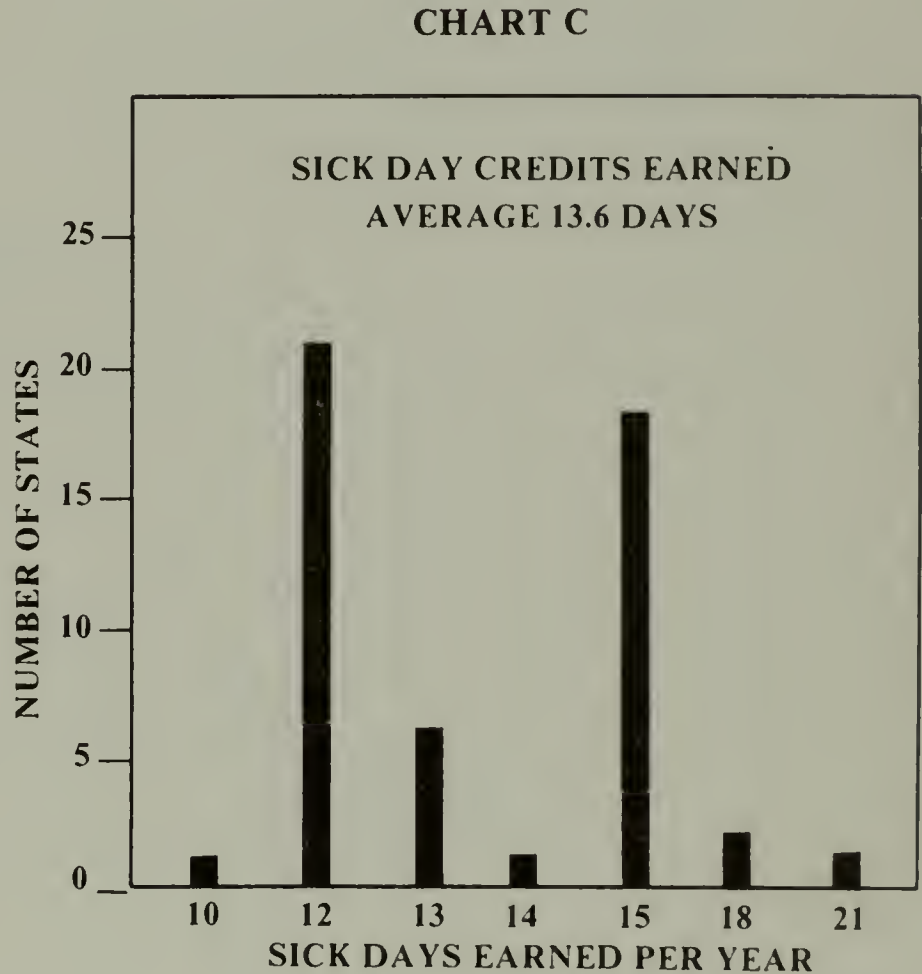


## IV. COMPARISON OF SICK LEAVE BENEFITS

### A. Comparison With Other States

#### 1. Sick Leave Earned

The Massachusetts sick leave program of 15 working days credit per year with unlimited accumulation is not unusual when compared with programs of other states. All states have a program which allows state employees to earn sick leave credits.<sup>4</sup> The average is 13.6 days earned per year. This ranges from a low of 10 days in North Carolina to a high of 21 days in Hawaii. Forty-two percent of the states grant 12 days per year while thirty-six percent grant 15 days per year as indicated in Chart C.



#### 2. Accumulation of Sick Leave

Approximately three-fourths of the states have unlimited accumulation of sick leave credits as in Massachusetts. This provision provides career employees with a reserve which can be used in time of serious illness. Other states that have limitations range from a low of 45 days in Oklahoma to a high of 200 days in Pennsylvania.

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<sup>4</sup> Appendix C — Sick Leave Coverage by State

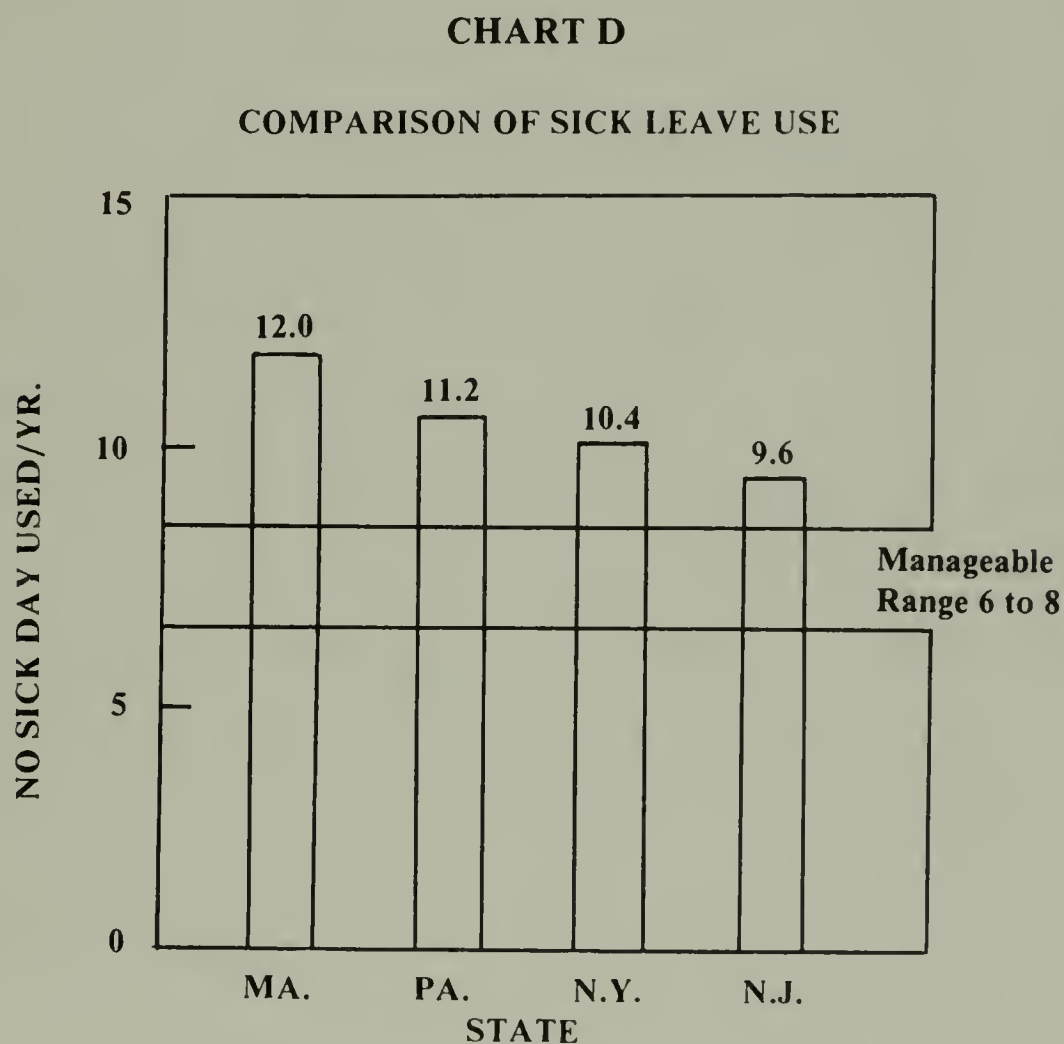




There is a program of compensation for unused sick leave at the time of retirement in thirty-three of the states. The plans vary widely but most provide for a designated percentage buy back of accrued sick leave at the time of retirement.

### 3. Average Sick Leave Usage

Information was obtained from New York, New Jersey and Pennsylvania detailing actual sick leave usage. The average for these three states is 10.4 days annually, while Massachusetts has a rate of 12.04 days. The chart below shows that each of the states has a higher rate than what is generally accepted as manageable.



The average for all four states is excessive. Current personnel standards consider an absenteeism rate of between 6 and 8 days to be manageable. This comparison further shows that excessive absenteeism is not unique to employees of Massachusetts but is a major problem facing all states.



## B. Comparison With Private Sector

The major difference in sick leave policies for employees of the public and private sectors is that the private sector does not provide for the accumulation of unused annual sick leave. In many cases, the private sector offers annual "buy-back" or other incentive provisions for unused sick leave. Companies that we surveyed also had a provision for some type of salary continuation in the event that employees have used all of their allotted sick leave and could not return to work. The compensation ranged from 50% to 100% of the employee's salary over a specified period of time upon medical proof of a continued illness. Under the same circumstances, state employees are placed on a leave without pay status. While on such status, the employees retain their job position and medical insurance coverage. However, they receive no portion of their salary. Moreover, the private sector grants a substantially lower number of sick days, usually between five and ten days per year.

It is difficult to compare the two types of plans because each has a different objective. The objective of the annual buy back plans is to provide employees with a monetary incentive to use their sick leave only when a legitimate need arises thereby serving as a deterrent to sick leave abuse. The objective of the unlimited accumulation plan is to encourage employees to build up a substantial amount of paid sick leave that they may draw upon in the event of an extended illness.

Our findings indicate that the accumulation type plan is more vulnerable to abuse than the annual buy back plans. Our survey found evidence that some state employees with many years of service who have accrued substantial sick leave have a tendency to use it by taking extended periods of sick leave prior to retiring rather than losing it upon retirement. While sick leave programs that grant accumulation of unused leave can be easy targets for abuse, we do not feel that the accumulation provision is the greatest cause of abuse.





The eleven state agencies that we included in our survey, with few exceptions, assign a very low priority to monitoring sick leave and the detection of abuse. This low priority on the part of supervisory and upper level management personnel is a primary cause for excessive sick leave. An effective monitoring system is the essential ingredient in reducing sick leave and curbing abuse. This conclusion is strongly supported by the results of our review of attendance records and interviews with management officials of the private and public sectors.

Administrators interviewed in the private sector were unanimous in their opinion that absenteeism from work is the greatest single cause for the reduction of productivity and poor quality of work. Consequently, private sector employers take a much more serious view of sick leave usage and constantly monitor absences. We found that private businesses place much more responsibility on the workers' immediate supervisor to constantly monitor absenteeism.

The following directives from the Personnel Policy Manual of the Paul Revere Life Insurance Company clearly shows the emphasis placed at the supervisory level in controlling absenteeism.

*Supervisors should tell the absent employee how often to call in or write during any absence in order to keep the supervisor informed of his or her condition and progress.*

*Supervisors are responsible for recommending salary payments or deductions when an employee is absent because of incidental illness. The supervisor should complete an Absentee Form for the Personnel Department for all employees, in addition to entering a note on time records of non-exempt employees. A recommendation for payment or non-payment of salary should be made by the employee's supervisor based on the employee's attendance record and the circumstances of his/her illness.*

*The Personnel Department will confer with the employee's supervisor if there is any question concerning payment of salary during incidental illness-absence.*





*The employee's supervisor has the responsibility to inform the employee about any necessary pay deduction and to explain the reasons.*

*The supervisor and the Personnel Department may confer with the Medical Director for any professional guidance which may be necessary.*

Private businesses emphasize the fact that effective control of absences must begin with the employee's immediate supervisor. The responsibility for detecting improper use of sick leave must be initiated at this level. This was not found to be the case in our survey of state agencies because of the low priority assigned to controlling absences and the discretionary nature of existing regulations relating to management's right to verify the necessity for absences.



## **APPENDICES**

- A. Sick Leave Rules and Regulations
- B. Attendance Calendars
- C. Sick Leave Coverage by State
- D. Sample Medical Form



## **APPENDIX A**

### **SICK LEAVE RULES AND REGULATIONS**





## SICK LEAVE RULES AND REGULATIONS

**LS-1** All persons, except emergency employees and those persons exempted by Rule G-5, shall be credited with sick leave with pay not to exceed fifteen working days for each year of service. Sick leave credit will begin at once for persons starting work on the first working day of a calendar month, otherwise on the first day of the month following employment, and will accumulate each calendar month thereafter. Persons subject to these rules having an aggregate of more than one day of leave without pay and/or absence without pay in any calendar month shall not receive sick leave credit for that month. Persons subject to these rules, employed on part-time basis, may be allowed such proportion of this sick leave credit as their actual part-time service bears to full-time service.

The term "persons" as used in this rule shall not include those persons under a cooperative student agreement in any position in any department of the Commonwealth; and no sick leave credits shall be earned because of this service, unless as a result of this training such person becomes an employee of the Commonwealth within three months after completion of this course of training.

In addition to sick leave credits earned by persons under this rule, vacation credits of a person absent on leave because of Industrial Accident and who is in danger of losing such vacation credits because of the two year rule, shall have such vacation credits converted into sick leave as of June 30th of the year in which such vacation credits would be lost. Such additional sick leave shall be added to any sick leave such person may have accumulated.

**LS-2** The provisions of Rule LS-1 shall not apply to teachers and supervisors employed in any school, college or university within any department of the Commonwealth whose weeks of service and basis of payment of salary are regulated by Section 31 of Chapter 29 of the General Laws. Such teachers and supervisors of the Commonwealth shall be entitled to ten days' sick leave for each school year of service. Ten months shall be deemed to be a school year. Sick leave credit will begin on the first of the month following employment and will accumulate monthly. A renewal of contract will be deemed a continuation of service. Credits for periods of less than one month's employment with pay shall not be allowed. Part-time teachers and supervisors may be allowed such proportion of this sick leave as their actual part-time service bears to full-time service.

**LS-3** Sick leave not used in any year may be accumulated. No person shall be entitled to a leave of absence with pay on account of sickness in excess of the accumulated sick leave then due.

**LS-4** Military leave other than military leave under Rule LV-11, Court Leave, Industrial Accident Leave, and absence with pay granted under these rules governing vacations, sick leave or other leave with pay shall be counted as "service" under Rules LS-1 and LS-2.

**LS-5** Sick leave shall not accrue for service in excess of the number of hours established by the Director of Personnel and Standardization in accordance with the provisions of Section 30A of Chapter 149 of the General Laws, as amended.

**LS-6** Sick leave shall be granted, at the discretion of the appointing authority, to persons only under the following conditions:

- a. When they are incapacitated for the performance of their duties by sickness or injury.
- b. When through exposure to contagious disease the presence of the person at his post of duty would jeopardize the health of others.
- c. In case of serious illness of husband, wife, child, parent of either spouse of person subject to these rules or of a person living in the immediate household of a person subject to these rules, he may be granted sick leave with pay not to exceed seven working days within a fiscal year. (See LO-5-h in case of death.)



**LS-7** The granting of sick leave is solely in the discretion of the appointing authority but if granted the provisions of Rule LS-6 must be followed.

Notification of absences under Rule LS-6 shall be given as early as possible on the first day of absence. If such notification is not made, such absence may, at the discretion of the appointing authority, be applied to absence without pay. For any period of absence on account of sickness, the appointing authority may require, for purpose of additional evidence only, a physician's certificate for the necessity of such absence. If such certificate is not filed within seven calendar days after a request therefor, such absence may be applied, at the discretion of the appointing authority, to absence without pay. All sick leave with pay shall be reported to the Director of Personnel and Standardization in such form and at such time as may be required by the Director. The Director of Personnel and Standardization may require further evidence that such leave comes within the provisions of these rules; and if, upon examination of such evidence, the Director of Personnel and Standardization is of the opinion that said leave is not in accord therewith, the Director shall so notify the appointing authority. Upon receipt of such notice, said leave shall be changed from sick leave to leave without pay, to absence without pay, or to vacation leave.

**LS-8** Upon return to duty following extended sick leave in excess of five consecutive working days, the appointing authority may require a physical examination to determine the person's fitness for duty. At such examination, the person, if he so desires, may be represented by a physician of his own selection.

**LS-9** Sick leave earned following a return to duty after leave without pay or absence without pay shall not be applied against such leave or absence.

**LS-10** A person whose employment by the Commonwealth is uninterrupted shall retain all accrued sick leave credits.

**LS-11** Sick leave earned in towns, cities, counties, districts, the federal government, etc., shall not be transferred to state service.

**LS-12** Persons whose service is terminated shall not be entitled to compensation in lieu of sick leave not taken.

**LS-13** Persons who are reinstated or who are re-employed shall be credited with their sick leave credits at the termination of their previous service. No credit for previous service may be allowed where reinstatement occurs after absence of three years or more unless approval of the Bureau of Personnel and Standardization is secured for any of the following reasons:

- a. Illness of such person and not because of illness of his immediate family.
- b. Dismissal through no fault or delinquency attributable solely to such person.
- c. Injury while in the service of the Commonwealth in line of his duties and for which such person would be entitled to receive Workmen's Compensation Benefits.

**LS-14** Now included in Rule G-5.

**LS-15** In addition to sick leave benefits provided for in Rule LS-6 above, persons in the service of the Commonwealth shall be entitled to additional benefits of such provisions of the law as may now or hereafter be enacted, upon completion of the leave of absence with pay on account of sickness provided herein, and except that such salary and wages may be paid in part until any sick leave allowance which the person has to his credit has been used, any other provision of the law notwithstanding. A person who is entitled to any sick leave allowance may take such of his sick leave allowance payment as, when added to the amount of any disability compensation provided by statute, will result in the payment to him of his full salary or wages. (See also Rule LO-4. See G. L. Chapter 152, Sec. 69).

If and when a person, included under Rule LS-1 has sick leave credits





available, and is injured while in the performance of his duty, and such injury could result in a potential claim under Chapter 152 of the General Laws (Workmen's Compensation Act) he shall be paid his sick leave up to the extent of his credits until payments under the Workmen's Compensation Law begin. Any adjustments due him because of the effects of this rule shall be made thereafter.

Any absence resulting from such injury that is in excess of available sick leave or vacation credits shall be deemed absence without pay (G. L. Chapter 30, Sec. 58).

Whenever a person subject to these rules is given a leave of absence because of operation of this rule, the appointing authority shall immediately furnish such person "notice of authorization" to pay to the State Employees' Group Insurance Commission the appropriate premium for his insurance as provided for in General Laws Chapter 32A.

Notwithstanding the above provision of this rule, however, a person, while in the performance of his duty, who receives bodily injuries resulting from acts of violence of patients or prisoners in his custody, and who as a result of such injury would be entitled to benefits under Chapter 152 of the General Laws, shall be paid the difference between the weekly cash benefits to which he would be entitled under said Chapter 152 and his regular salary, without such absence being charged against available sick leave credits, even if such absence may be for less than eight calendar days' duration. (G. L. Chapter 30, Sec. 58; G. L. Chapter 152, Sec. 69).

Whenever the injured person is being paid under the provisions of the above paragraph the appointing authority upon his determination that said person is entitled to the benefits of this provision, will make a report thereof to the Director of Personnel and Standardization stating the name of person injured, his job title, salary being paid to him, name and address of physician treating such person, nature of injury and its probable duration. Upon return to work by such injured employee, the appointing authority shall report to the Director of Personnel and Standardization, giving the date of injury, date returned to work, the amount of wages paid to him during the period of his absence, the name and address of doctor attending such person for this injury, and the effort made by appointing authority to ascertain his ability to return to his position.

In computing a week's salary for purposes of refunds or adjustments in the case of workmen's compensation, the periods being compared shall include in both cases the same calendar days used in making such adjustments, irrespective of the number of days in the regularly scheduled work week. At no time may an employee receive more than his regular salary for period in question as the result of workmen's compensation except in the case of vacation or overtime credits payable under G. L. Chapter 152, Section 69.

**LS-16** Persons, formerly members of the General Court, shall be credited with sick leave not to exceed fifteen days per year for each year of service in the General Court, but such allowance shall not exceed ninety working days.

**N.B.** Persons, formerly employed by or attached to either branch of the General Court or the office of the Governor or Lieutenant Governor shall be credited with such service towards sick leave credits just as though such service had been performed in the service of the department in which they are





employed, provided that such service did not occur three or more years before re-entering the service of the Commonwealth. After initial determination has been made in such cases, service shall be treated as defined in the word "Service" in Rule G-7. (Chapter 352, Acts of 1963).

**LS-17** Now included in Rule G-4.

**LS-18 A.** Upon the vacancy of any position in the employ of the Commonwealth the employing authority shall, if he assigns a person in a classification of lower grade and pay to such a vacancy for a period of more than thirty calendar days, request approval for a temporary appointment of such person to such position and if such appointment shall comply with the Civil Service Laws, rules and regulations if applicable, the person so appointed shall be entitled to the compensation of such higher grade from the first day of such assignment.

**B.** Section A. of this rule shall not apply to assignment of a person to cover a higher position when the holder of the higher graded position is absent on vacation leave but is intended to apply when the holder of such higher graded position is on sick leave. (See General Laws, Chapter 30, Sec. 24B.)

**C.** Appeals under this rule shall be decided by the Director of the Bureau of Personnel or by a person designated by him in accordance with provisions of G. L. Chapter 30, Section 49.

**LS-19** When a person subject to these rules is absent because of sickness, such absence shall be charged off against any sick leave credits he may have. All absence on account of sickness must be charged off in multiples of one-half or full hours, but in no case at less than the actual time off because of absence due to sickness.

If such person has no sick leave credits, such absence shall be charged at the discretion of his appointing authority, to leave without pay, to absence without pay or to vacation leave but shall be charged off on the same basis as above.



**APPENDIX B**

**ATTENDANCE CALENDAR — 1982**



Name .....	Position Title .....
Social Security Number .....	Position Code ..... Number ..... Salary .....
Organization .....	Date of Birth ..... Sex .....
Appropriation Code No. ....	Race/Ethnic Code ..... EEO Category Code .....
Civil Service Position. .... Non-Civil Service Position .....	

PLACE A CHECK BESIDE DAY WORKED  
USE ONE OF THE CODES TO SHOW ANY ABSENCE

- |  |                           |                                 |                  |
|--|---------------------------|---------------------------------|------------------|
| 1. Personal illness                              | 6. LO Rules (except LO-4) | Collective Bargaining Unit..... | Permanent .....  |
| 2. Serious illness in immediate household        | 7. Regular day off        | Managerial.....                 | Temporary .....  |
| 3. Industrial Accident Leave                     | 8. Time without pay       | Confidential.....               | Prov. Appt. .... |
| 4. Industrial Accident Leave (part compensation) | 9. Vacation               | Unassigned.....                 | Prov. Prom. .... |
| 5. Injury (payments covered by LO-4 Paragraph 4) | P. Paid Personal Leave    |                                 |                  |

JULY 1981

SUN	MON	TUE	WED	THU	FRI	SAT
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

AUGUST

SUN	MON	TUE	WED	THU	FRI	SAT
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

SEPTEMBER

SUN	MON	TUE	WED	THU	FRI	SAT
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

OCTOBER

SUN	MON	TUE	WED	THU	FRI	SAT
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

NOVEMBER

SUN	MON	TUE	WED	THU	FRI	SAT
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

DECEMBER

SUN	MON	TUE	WED	THU	FRI	SAT
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

JANUARY 1982

SUN	MON	TUE	WED	THU	FRI	SAT
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

FEBRUARY

SUN	MON	TUE	WED	THU	FRI	SAT
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28						

MARCH

SUN	MON	TUE	WED	THU	FRI	SAT
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

APRIL

SUN	MON	TUE	WED	THU	FRI	SAT
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

MAY

SUN	MON	TUE	WED	THU	FRI	SAT
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

JUNE

SUN	MON	TUE	WED	THU	FRI	SAT
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

	SICK LEAVE			VACATION		PAID PERSONAL LEAVE		DAYS OFF PAYROLL	
				Unused Balance 6/30/81 .....					
				Earned 7/1/80 to 6/30/81 .....					
	Total Sick Leave Credits on 7/1/81 .....			Total Vacation Credits on 7/1/81 .....		Total Personal Leave Credits on 7/1/81 .....			
Month	Credited	Charged	Balance	Days Used	Balance	Days Used	Balance		
July									
August									
September									
October									
November									
December									
January									
February									
March									
April									
May									
June									
		Total		Vacation Status .....				Total .....	
				No. of Weeks					
				Date Status Established and Available July 1, .....					

SUMMARY OF INVESTIGATIONS AND CONFERENCES WITH EMPLOYMENT REGARDING ABSENTEEISM



## **APPENDIX C**

**SICK LEAVE COVERAGE BY STATE  
AS OF OCTOBER — NOVEMBER 1981**



Sick Leave Coverage by State  
as of October — November 1981

State	Number of Employees Covered	Sick Leave (Working Days)	
		After 1 yr.	Cumulative
Alabama	25,151	13	150
Alaska	11,128	15	no limit
Arizona	18,000	12	no limit
Arkansas	22,000	12	90
California	135,465	12	no limit
Colorado	26,561	15	no limit
Connecticut	32,000	15	no limit
Delaware	9,800	15	no limit
Florida	94,195	13	no limit
Georgia	48,382	15	90
Hawaii	18,221	21	no limit
Idaho	8,400	12	no limit
Illinois	61,000	12	no limit
Indiana	29,329	12	no limit
Iowa	22,000	18	no limit
Kansas	28,000	12	no limit
Kentucky	34,781	12	no limit
Louisiana	68,000	12	no limit
Maine	13,014	12	120
Maryland	53,391	15	no limit
Massachusetts	72,701	15	no limit
Michigan	70,000	13	no limit
Minnesota	29,607	13	112.5
	3,050	12	100
Mississippi	29,509	15	120
Missouri	27,000	15	no limit
Montana	16,230	12	no limit
Nebraska	12,800	12	180
Nevada	9,000	15	no limit
New Hampshire	9,562	15	90
New Jersey	211,000	15	no limit
New Mexico	14,846	12	no limit
New York	173,100	13	180-190
North Carolina	64,000	10	no limit
North Dakota	10,500	12	no limit
Ohio	70,000	15	no limit



State	Number of Employees Covered	Sick Leave (Working Days)	
		After 1 yr.	Cumulative
Oklahoma	26,757	15	45
Oregon	36,500	12	no limit
Pennsylvania	183,413	15	200
Rhode Island	20,772	15	120
South Carolina	54,800	15	90
South Dakota	8,000	14	no limit
Tennessee	38,000	12	no limit
Texas	23,513	12	no limit
Utah	12,000	12	no limit
Vermont	6,500	12	no limit
Virginia	69,066	15	no limit
Washington	34,707	12	no limit
West Virginia	15,000	18	no limit
Wisconsin	35,854	13	no limit
Wyoming	6,191	12	no limit

Source: The Book of the States  
The Council of State Governments  
Advance 1982-1983



## **APPENDIX D**

### **SAMPLE MEDICAL FORM**





# MEDICAL CERTIFICATE

NOTE:—Lines 1-6 inclusive to be completed by Department.

Age                       
(YRS ONLY)

1. Name \_\_\_\_\_ Employee I.D. No. \_\_\_\_\_  
LAST FIRST INITIAL

2. Home Address: Street & No. \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_

3. Department \_\_\_\_\_ Occupation \_\_\_\_\_ Net Cred. Service \_\_\_\_\_

4. Office Address: Street & No. \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_

5. Supervisor \_\_\_\_\_ Address \_\_\_\_\_  
(PLEASE INDICATE SUPERVISOR TO WHOM FUNCTIONAL REPORT IS TO BE MAILED)

6. Tel. No. of Office Contact: \_\_\_\_\_ First Day of Absence: \_\_\_\_\_  
(AREA CODE)

(LINES 7-9 TO BE COMPLETED BY EMPLOYEE)

7. To Dr. \_\_\_\_\_ Tel. No. \_\_\_\_\_  
(NAME OF ATTENDING PHYSICIAN)

8. Address \_\_\_\_\_  
(STREET AND NUMBER) (CITY) (STATE) (ZIP CODE)

9. Date \_\_\_\_\_

You are hereby requested to furnish all necessary information to the Company's Medical Department during my present illness.

Employee's Signature \_\_\_\_\_

**FOR USE OF ATTENDING PHYSICIAN**

The information requested on this form will be treated as confidential and is for the consideration of sickness disability benefit payments under the Company's Benefit Plan. Payments to the employee cannot be considered until this form is completed by you and received by the Medical Department.

Medical Director

10. Date of Onset \_\_\_\_\_ Examination Dates: First \_\_\_\_\_ Last \_\_\_\_\_ Next \_\_\_\_\_

11. Diagnosis: \_\_\_\_\_

**Etiology if Known:** \_\_\_\_\_

Was employee hospitalized? ☐ Yes ☐ No

12. Complications if Any \_\_\_\_\_

13. Has surgery been done? ☐ Yes ☐ No Type? \_\_\_\_\_ Date \_\_\_\_\_

#### 14. Prognosis \_\_\_\_\_

15. In your opinion is this reported illness now disabling employee from work? Yes ☐ No ☐

16. If Yes—How much longer will employee be disabled? \_\_\_\_\_

17. If this is a supplementary certificate, please advise of any changes in condition since previous certificate. \_\_\_\_\_

Date \_\_\_\_\_ Physician's Signature \_\_\_\_\_

**IMPORTANT—PLEASE FOLD AS INDICATED AND MAIL PROMPTLY**





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